UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
---X
NICOLAS GOUREAU, and STEPHANIE
MENKIN, individually and derivatively on
behalf of GOOBERRY CORPORATION,

                            Plaintiffs,

          -against-   20 **CIVIL** 4691 (MKV)

                                                               JUDGMENT

MARCUS LEMONIS, ML RETAIL, LLC,
MARCUS LEMONIS LLC, and MACHETE
CORPORATION d/b/a MACHETE
PRODUCTIONS,

                            Defendants.

         -and-

GOOBERRY CORPORATION,

                         Nominal Defendant.
---X

       It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons

stated in the Court's Order dated November 22, 2021, the Court entered an order granting

Defendants' Motion to Dismiss certain counts pursuant to Federal Rule of Civil Procedure

12(b)(6), abstaining from the Plaintiffs' request in Count 13 for dissolution of the Nominal

Defendant in this case, and setting a deadline in connection with Plaintiffs' anticipated motion to

amend. [ECF No. 89]. The October 15 Order followed a previous order entered on September 2,

2021 that granted Defendant's Motion to Dismiss for failure to state a claim with respect to

Plaintiffs' federal Racketeer Influenced and Corrupt Organizations Act claim. [ECF No. 77].

Before the Court resolved the Motion to Dismiss, Plaintiffs had sought leave to file an amended

complaint in this action. [ECF No. 69]. In its October 15 Order, the Court set a briefing schedule

for any motion to file a second amended complaint. The Court stated that "[a]ny motion for leave

to file a second amended complaint, which must take into account the issues raised [in its

Orders], shall be filed on or before November 19, 2021." Plaintiffs did not seek leave to amend

and instead filed a notice of voluntary dismissal pursuant to Rule 41(a)(1)(a)(i). The Parties then

filed seriatim letters, which the Court has reviewed. [ECF Nos. 91-96]. The Court permitted

Plaintiffs to seek leave to amend on or before November 19, 2021. The Court received no motion

to amend by that date; accordingly, the case is closed.

Dated: New York, New York

　　　　　November 22, 2021

                                              RUBY J. KRAJICK
                                        _____
                                              Clerk of Court
                            BY:
                                              K. mango
                                        _____
                                              Deputy Clerk